

39-6-39 Obtaining evidence and witnesses -- Procedure.

- (1) The trial and defense counsel, and the military court, have equal opportunity to obtain witnesses and other evidence under regulations the governor, adjutant general, or the applicable rules of civil and criminal procedure or state or federal law prescribe.
- (2) The military court judge may:
 - (a) issue a warrant for the arrest of any accused person who, having been served with a warrant and a copy of the charges, disobeys a written order by the convening authority to appear before the court;
 - (b) issue subpoenas duces tecum and other subpoenas;
 - (c) enforce by attachment the attendance of witnesses and the production of books and papers; and
 - (d) sentence for refusal to be sworn or to answer, as under civil procedure.
- (3) Process issued in a military court to compel witnesses to appear and testify and to compel the production of other evidence may be served within the boundaries of the state.

Enacted by Chapter 210, 1988 General Session